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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12

13 ARNOLD ABRERA,

14 Plaintiff,

15 v.

16 GAVIN NEWSOM, in his official capacity as
Governor of the State of California;
17 ROB BONTA, in his official capacity as
Attorney General of the State of California;
18 ANNE MARIE SCHUBERT, in her
official capacity as County of Sacramento
19 District Attorney; COUNTY OF
SACRAMENTO; BOBBY DAVIS, in his
20 official capacity as Chief of the Elk Grove
Police Department; JONATHAN P.
21 HOBBS, in his official capacity as the City
Attorney for the City of Elk Grove; CITY OF
22 ELK GROVE,

23 Defendants.
24

Case No. 2:22-CV-01162-JAM-DB

**DEFENDANTS BOBBY DAVIS',
JONATHAN P. HOBBS' AND CITY OF
ELK GROVE'S NOTICE OF JOINDER
AND JOINDER IN DEFENDANTS
COUNTY OF SACRAMENTO AND ANNE
MARIE SCHUBERT'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Date: January 9, 2024
Time: 1:30 p.m.
Crtrm.: 6

Trial Date: N/A

25 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

26 **PLEASE TAKE NOTICE THAT** Defendants Bobby Davis, Jonathan P. Hobbs and City
27 of Elk Grove ("Elk Grove Defendants") hereby join in the motion of Defendants County of
28 Sacramento and Anne Marie Schubert's ("County of Sacramento Defendants") motion to dismiss

2445195.1 10784.256

Plaintiff's First Amended Complaint based upon Federal Rules of Civil Procedure, Rules 12(b)(1), 12(b)(6), and 12(f) and will request the Court at the hearing scheduled on this motion for January 9, 2024 at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 6 of the above entitled Court, for the same relief, i.e., dismissal based upon the above-cited Federal Rules of Civil Procedure.

In support of this joinder, the Elk Grove Defendants adopt all arguments, facts, and points and authorities submitted by County of Sacramento Defendants as though the Elk Grove Defendants had set forth all such matters in full.

I. INTRODUCTION

Plaintiff asserts twelve causes of action against all defendants across 506 paragraphs of allegations. Plaintiff asserts his first, second, seventh, eighth, ninth, tenth, eleventh, and twelfth causes against the County of Sacramento Defendants to which the County of Sacramento Defendants move to dismiss under Federal Rules of Procedure 12(b)(1) and 12(b)(6). The Elk Grove Defendants are only named in Plaintiff's first, second, seventh, eleventh, and twelfth.

II. ELK GROVE DEFENDANT'S JOINDER

A defendant's joinder in a co-defendant's motion saves judicial resources and prevents redundant arguments and needless duplicative filings. The joinder is treated as though the joining party had filed its own motion as to the arguments "joined." *See e.g. Aetna Life Ins. Co. v. Alla Medical Services, Inc.*, 855 F.2d 1470, 1472, 1474-1475 (9th Cir. 1988).

The Elk Grove Defendants clarify, for the purposes, of this joinder, that Plaintiff has not alleged the same causes of action against the Elk Grove Defendants as he has alleged against the County of Sacramento Defendants. Therefore, the following arguments made by the County of Sacramento Defendants in their moving papers apply to the Elk Grove Defendants with equal force and effect and are hereby adopted by the Elk Grove Defendants in support of this joinder:

III.A – The Court should decline jurisdiction under *Penn Gen. Casualty Co. v. Pennsylvania*, 294 U.S. 189, 195 (1935).

III.B – The Court should abstain from these proceedings under *Younger v. Harris*, 401 U.S. 37, 43-45 (1971).

